

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Garfield	Team: Squad #10	CCRB Case #: 202001537	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/21/2020 5:22 PM, Wednesday, 12/02/2020 11:42 AM	Location of Incident: 720 Westchester Avenue and 100 Church Street	18 Mo. SOL 4/7/2022	Precinct: 40		
Date/Time CV Reported Mon, 02/24/2020 5:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/24/2020 4:44 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Canale	10524	960317	PSA 7
2. POM Shawn Moynihan	03202	953147	PSA 7
3. POM Victor Carrasquillo	16720	963904	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.	
B . POM Shawn Moynihan	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Shawn Moynihan stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.	
C . POM Victor Carrasquillo	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Victor Carrasquillo stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.	
D . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale searched the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.	
E . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale interfered with § 87(2)(b) use of a recording device.	
F . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale searched § 87(2)(b) recording device.	
G . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale deleted information on § 87(2)(b) electronic device.	
H . POM Joseph Canale	Discourtesy: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale spoke discourteously to § 87(2)(b)	
I . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale threatened to arrest § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale refused to provide his shield number to § 87(2)(b)	
K . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.	
L . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.	
M . POM Joseph Canale	Abuse: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.	
N . POM Joseph Canale	Untruthful Stmt.: On December 2, 2020, at 100 Church Street, Police Officer Joseph Canale provided a false official statement to the CCRB.	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

### Case Summary

On February 24, 2020, § 87(2)(b) called the CCRB to file the following complaint.

On February 21, 2020, at approximately 5:22 p.m., § 87(2)(b) was driving with his friends § 87(2)(b) and § 87(2)(b) near 720 Westchester Avenue or the Jackson Avenue 2/5 train station in the Bronx. PO Canale, PO Moynihan, and PO Carrasquillo, all of the PSA-7 command, pulled him over for an allegedly obstructed license plate (**Allegations A, B, C: Abuse of Authority – Vehicle stop,** § 87(2)(g)

PO Canale approached the driver's side window where § 87(2)(b) was filming the incident on his cellphone. PO Canale reached into § 87(2)(b) vehicle and took § 87(2)(b) cellphone (**Allegation D: Abuse of Authority – Vehicle search,** § 87(2)(g) **(Allegation E: Abuse of Authority – Interference with recording device,** § 87(2)(g) PO Canale searched through § 87(2)(b) phone, located the video and deleted it (**Allegation F: Abuse of Authority – Search of recording device,** § 87(2)(g) **(Allegation G: Abuse of Authority – Electronic device information deletion,** § 87(2)(g) PO Canale allegedly said to § 87(2)(b) "What the fuck are you recording me? You don't have the right to fucking record." (**Allegation H: Discourtesy – Word,** § 87(2)(g) PO Canale then allegedly told § 87(2)(b) that if he did not provide his license and registration, he would be arrested (**Allegation I: Abuse of Authority – Threat of arrest,** § 87(2)(g) § 87(2)(b) provided his information and PO Canale returned to his vehicle.

PO Canale returned to § 87(2)(b) vehicle and returned his license and registration without issuing a summons. § 87(2)(b) asked PO Canale for his shield number and he did not provide it (**Allegation J: Abuse of Authority – Refusal to provide shield number,** § 87(2)(g)

No summons was issued, and no arrest was made. PO Canale left the area without providing § 87(2)(b) § 87(2)(b) or § 87(2)(b) with a business card (**Allegation K, L, M: Abuse of Authority – Failure to provide RTKA card,** § 87(2)(g)

On December 2, 2020, at approximately 11:42 a.m., at 100 Church Street in Manhattan, PO Canale provided a false official statement to the CCRB (**Allegation N: Untruthful Statement – False official statement,** § 87(2)(g)

§ 87(2)(g), § 87(4-b)

There is cellphone footage of the incident from § 87(2)(b) and § 87(2)(b) (BRs 01 – 03). § 87(2)(b) first video (BR 01, 03) captures **Allegations B and C**, while his second video (BRs 02, 03) captures **Allegation H**. § 87(2)(b) video (BRs 02, 03) captured no allegations. Relevant portions will be discussed below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (B) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Shawn Moynihan stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (C) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Victor Carrasquillo stopped the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.**

It is undisputed that § 87(2)(b) was operating a vehicle that had temporary license

plates.

However, at no point did § 87(2)(b) mention anything regarding an obstructed plate. He said PO Canale inquired about the validity of his temporary plates and said the plates could not be temporary because they did not say “temporary” on them (BR 04, 05). He did not provide a photo of his temporary plate to the investigation.

§ 87(2)(b) (BR 06) did not make any mention of an obstructed plate and was not sure what reason was the stop was for.

§ 87(2)(b) could not be reached for this investigation to provide a statement.

In his interview, PO Canale (BR 07) described § 87(2)(b) license plate as appearing to be made out of paper, with the license plate number written in magic marker. He stated that the license plate holder obstructed the view of the state that issued the plate. PO Canale later said the only reason he stopped § 87(2)(b) was to confirm the legitimacy of his license plates. According to PO Canale’s statement, he did not inform § 87(2)(b) that his license plates were obstructed during the stop. PO Canale also could not recall where PO Carrasquillo or PO Moynihan were positioned in the vehicle or during the stop.

PO Canale’s memo book (BR 10) consistently stated that § 87(2)(b) vehicle was stopped due to an obstructed license plate (BR 07).

PO Carrasquillo could not recall the majority of the incident (BR 08). The only facts PO Carrasquillo could provide were that the stop was due to an obstructed plate and where the officers were positioned during the incident. Specifically, he stated that PO Canale was driving, PO Moynihan was in the front passenger seat and he was in the back seat. PO Carrasquillo stated that when they pulled § 87(2)(b) vehicle over, all three officers approached the vehicle in the same formation that they were seated in their vehicle – so PO Moynihan approached the front passenger window, PO Canale the driver’s window, and PO Carrasquillo remained by the trunk. From where he was positioned, PO Carrasquillo stated he could not hear or see anything that was going on during the incident. He could not recall if § 87(2)(b) license and registration was taken or if an officer ran § 87(2)(b) information. He could not recall if officers returned to their vehicle and approached § 87(2)(b) vehicle a second time. PO Carrasquillo made no mention of temporary license plates.

PO Moynihan (BR 09) had no recollection of the incident and could provide no additional information.

§ 87(2)(b) cellphone video (BR 02, 03) documents the majority of the officers’ first interaction with § 87(2)(b) after PO Canale took his cellphone. The video is filmed from § 87(2)(b) lap (as she did not want her phone taken away) so it is mainly audio. PO Canale asks for license and registration and § 87(2)(b) says he has it. At the 1:50 mark, PO Canale says, “You have anything that says you own this car?” § 87(2)(b) replies, “I have the registration, here it is.” At 2:30, PO Canale, § 87(2)(b) and another officer are discussing § 87(2)(b) paperwork. At 2:32, an officer says, “The license plate that you have on the back over there. What does it say? Temporary.” At 3:35, it appears as though the officers have returned to their vehicle to run § 87(2)(b) information, as the passengers in the vehicle begin talking amongst themselves about what is happening. § 87(2)(b) says she’s been recording the incident the whole time, and § 87(2)(b) says, “Yeah, he took my phone. You saw that, right?” § 87(2)(b) says she did. The video ends shortly after. At no point does anyone make any mention of an obstructed plate.

New York VTL Section 402 (b) states that “Number plates shall be kept clean and in a condition so as to be easily readable and shall not be covered by glass or any plastic material, and shall not be knowingly covered or coated with any artificial or synthetic material or substance that conceals or obscures such number plates or that distorts a recorded or photographic image of such number plates, and the view of such number plates shall not be obstructed by any part of the vehicle or by anything carried thereon (BR 13).

The investigation could not determine if § 87(2)(b) license plate was indeed



obstructed, justifying the vehicle stop. § 87(2)(g)

**Allegation (D) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale searched the vehicle in which § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (E) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale interfered with § 87(2)(b) use of a recording device.**

**Allegation (F) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale searched § 87(2)(b) recording device.**

**Allegation (G) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale deleted information on § 87(2)(b) electronic device.**

**Allegation (H) Discourtesy: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale spoke discourteously to § 87(2)(b)**

**Allegation (I) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale threatened to arrest § 87(2)(b)**

It is undisputed that PO Canale reached into § 87(2)(b) vehicle and took his cellphone.

§ 87(2)(b) consistently stated that PO Canale, upon first approaching his vehicle, reached into the vehicle and grabbed his cellphone. § 87(2)(b) was holding his cellphone in his lap. § 87(2)(b) and § 87(2)(b) stated that PO Canale then used a number of profanities at § 87(2)(b) and threatened to arrest him if he did not provide his license and registration (BRs 04 – 06).

In his phone statement, § 87(2)(b) said PO Canale did not say anything to him before grabbing his cell phone. After taking the phone away, PO Canale placed § 87(2)(b) cellphone on the roof of the car and said, "Why the fuck are you recording me? You don't have the right to fucking record." § 87(2)(b) believed PO Canale used the word "fuck" at least four times, but he could not remember PO Canale's full statement to him. § 87(2)(b) asked PO Canale for his phone back and PO Canale said no. PO Canale then asked, "What's up with your plate?" § 87(2)(b) explained his temporary plate situation to PO Canale. PO Canale then told § 87(2)(b) to provide his license or registration or he would be arrested.

§ 87(2)(b) said that after the incident, he found the first video he took during the incident in his "Recently Deleted" folder in his iPhone, suggesting that PO Canale had deleted the video upon taking his phone at the beginning of the incident (BR 05).

§ 87(2)(b) (BR 06) provided a statement that was generally consistent with § 87(2)(b). § 87(2)(b) said that PO Canale used multiple profanities towards § 87(2)(b) including, "Give me your shit" in reference to his license and registration. § 87(2)(b) also said PO Canale said to § 87(2)(b) that he could not record him. She also stated that PO Canale told § 87(2)(b) to "shut up" multiple times.

PO Canale (BR 07) provided a different version of events during his CCRB interview. Upon approaching § 87(2)(b) vehicle, PO Canale said § 87(2)(b) was "irate, uncooperative, and screaming." He stated that he immediately asked for § 87(2)(b) license and registration "multiple times" and § 87(2)(b) ignored him. He said § 87(2)(b) then placed both of his hands out of view into the center console of his vehicle and "quickly" pulled out a cellphone and ignored another request for his license and registration. PO Canale said that he told § 87(2)(b) "Sir, I need your license and registration and I'm going to need to see your hands." PO Canale said § 87(2)(b) was "fumbling around" with the phone. PO Canale then took § 87(2)(b) cellphone from him. He stated that the reason he took § 87(2)(b) cellphone was to get § 87(2)(b) "undivided attention." Later in the interview, PO Canale stated that he took

the cellphone because he needed to see § 87(2)(b) hands.

PO Canale did not recall deleting anything off of § 87(2)(b) phone nor did he recall using any profanity towards § 87(2)(b). PO Canale added that there was never an appropriate time for an officer to delete a video from a civilian's recording device. He did not recall threatening to arrest § 87(2)(b) but stated if § 87(2)(b) had not provided his license and registration, he could have been arrested for Obstruction of Government Administration (BR 07).

PO Canale noted in his memo book (BR 10) that § 87(2)(b) was "very uncooperative" and "obstructing" the officer's ability to do their job.

PO Carrasquillo (BR 08) stated that he could not remember if he saw PO Canale reach into § 87(2)(b) vehicle and take his cellphone. He had no entries in his memo book regarding the incident (BR 11).

PO Moynihan (BR 09) did not have any recollection of the incident and attempts to refresh his memory by providing details of the incident and showing cellphone footage were unsuccessful. He also had no memo book entries regarding the incident (BR 12).

§ 87(2)(b) first cellphone video of the incident (BRs 01, 03) documents PO Canale's first approach to the vehicle. § 87(2)(b) is holding his cellphone in his lap, the camera facing him. For the first ten seconds, § 87(2)(b) is silently holding his phone, appearing to wait for the officers to approach his vehicle. He does not appear to make any sudden movements or "fumble" around with his hands. This is supported by the steadiness of the camera footage. At the 00:12 second mark, PO Canale is seen approaching the vehicle, reaching into the vehicle through the driver's window, and grabbing § 87(2)(b) cellphone. PO Canale does not identify himself or say anything before doing so. The video ends with PO Canale holding the phone outside the vehicle.

This video was presented to PO Canale after he provided his statement. After viewing the video, PO Canale said it "refreshed his memory" of the incident but he did not wish to add or revise any details provided in his original statement (BR 07).

According to People v. Hernandez, 238 A.D.2d 131, an officer breaching the plane of the car doorway with his body or arm to reach inside the vehicle constitutes a search of a vehicle. There must be probable cause that a vehicle contains contraband, weapons, or evidence of a crime to justify a warrantless search of a vehicle (BR 14).

Riley v. California, 573 U.S. 373, (2014), says that officers must obtain a search warrant to search a cell phone seized (BR 29).

The NYPD Patrol Guide procedure 203-29 (BR 15) states that officers shall not:

1. Threaten, intimidate, or otherwise discourage an observer from recording the police officer's activities; or
2. Intentionally block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so; or
3. Delete any pictures or recordings from observer's recording device or order observer to delete such pictures or recordings.

Furthermore, the Patrol Guide states that "this right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/videotaping" (BR 15).

§ 87(2)(b) first video showed that, at the point in time when § 87(2)(b) was recording the interaction, § 87(2)(b) presented no safety concern for officers nor was he interfering with any police actions taking place. While PO Canale said he wanted § 87(2)(b) undivided attention, as he took the phone immediately upon seeing it, there was no evidence that § 87(2)(b) phone was distracting him from PO Canale's instructions. Therefore, PO Canale was not following the Patrol Guide when he reached into § 87(2)(b) vehicle, took § 87(2)(b) cellphone, and turned off § 87(2)(b) video recording. § 87(2)(g)

Since PO Canale ended § 87(2)(b) video recording, the cell phone video did not

show whether he searched § 87(2)(b) cellphone, located the video, and deleted it. For the same reason, the video did not show whether PO Canale used any discourteous language toward § 87(2)(b)

§ 87(2)(g)

PO Canale believed the video no longer existed. When confronted with the video and given an opportunity to modify his statement, PO Canale declined and stuck by his original statement. Furthermore, PO Canale never denied searching § 87(2)(b) cell phone or deleting the video, but rather did not recall doing so. § 87(2)(g)

By contrast, the civilian statements were consistent with the video and free of obvious attempts at deception or exaggeration. § 87(2)(g)

However, the investigation could not determine whether or not PO Canale used any profanity or if he threatened to arrest § 87(2)(b). He is not heard on any video doing either, but the video is not comprehensive of the incident. § 87(2)(g)

**Allegation (J) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) consistently stated that § 87(2)(b) asked PO Canale for his shield number and he did not provide it (BRs 03, 04, 05).

PO Canale did not recall § 87(2)(b) asking for his shield number or if he provided it (BR 07). PO Canale stated that after he returned § 87(2)(b) license and registration, he told them to “have a nice day” and resumed patrol with PO Carrasquillo and PO Moynihan.

After § 87(2)(b) cellphone footage was presented, PO Canale amended his statement and said that he could not have heard § 87(2)(b) due to the noise of a passing train.

Both PO Carrasquillo (BR 08) and PO Moynihan (BR 09) were interviewed for this investigation and neither had any recollection of hearing a request or providing their shield numbers.

§ 87(2)(b) second video (BRs 02, 03) show § 87(2)(b) loudly asking PO Canale for his shield number six times. That PO Canale could not hear due to a “passing train” contradicted his own memo book entry that stated that civilians were “screaming obscenities.”

Patrol Guide Procedure 203-09 states that officers must “Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so” (BR 16).

PO Canale was not following the patrol guide when he ignored § 87(2)(b) request for his shield number. § 87(2)(g)

**Allegation (K) Abuse of Authority: Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.**

**Allegation (L) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.**

**Allegation (M) Abuse of Authority: On February 21, 2020, at 720 Westchester Avenue, Police Officer Joseph Canale failed to provide § 87(2)(b) with a business card.**

§ 87(2)(b) § 87(2)(b) and § 87(2)(b) did not receive business cards from PO Canale. § 87(2)(b) second video (BRs 02, 03) shows PO Canale leaving the area without providing a business card. As PO Canale was determined to be the officer who searched § 87(2)(b) vehicle, as discussed in Allegation D, these allegations are only pleaded against him.



PO Canale did not recall if he provided a business card during this incident (BR 07).  
PO Carrasquillo (BR 08) did not remember if PO Canale provided a business card.  
PO Moynihan did not recall the incident (BR 09).

Patrol Guide Procedure 203-09 (effective June 12, 2018) states that officers must “Offer pre-printed RIGHT TO KNOW BUSINESS CARD upon conclusion of law enforcement activities, except in cases when a summons is issued or an arrest is made, or exigent circumstances are present,” including “Search of persons or property, including vehicles” (BR 16).

New York City Admin Code 14-174 “Identification of police officers” states “During a law enforcement activity, an officer shall: 1. Identify himself or herself to the person who is the subject of such law enforcement activity by providing his or her name, rank and command; 2. Provide to such person an explanation of the reason for such law enforcement activity, unless providing such information would impair a criminal investigation; 3. Offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons.” It includes “Searches of persons or property, including vehicles” under the definition of “law enforcement activity” (BR 17).

When PO Canale reached into § 87(2)(b) vehicle to remove his cell phone, he searched § 87(2)(b) vehicle and therefore was required as to provide § 87(2)(b) § 87(2)(b) and § 87(2)(b) with business cards, which the video showed he did not do § 87(2)(b) § 87(2)(b)

**Allegation (N) Untruthful Statement: On December 2, 2020, at 100 Church Street, Police Officer Joseph Canale provided a false official statement to the CCRB.**

Of the three officers on scene for the incident, PO Canale (BR 07) provided the most detailed statement to the CCRB and was the only officer who had a memo book entry regarding the incident (BR 10). However, several details in PO Canale’s statement and memo book § 87(2)(g) § 87(2)(g)

PO Canale (BR 07) said during his CCRB interview that upon approaching § 87(2)(b) vehicle, § 87(2)(b) was “irate, uncooperative, and screaming.” He stated that he immediately asked for § 87(2)(b) license and registration “multiple times” and § 87(2)(b) ignored him. He said § 87(2)(b) then placed both of his hands out of view into the center console of his vehicle and “quickly” pulled out a cellphone and ignored another request for his license and registration. PO Canale said that he told § 87(2)(b) “Sir, I need your license and registration and I’m going to need to see your hands.” PO Canale said § 87(2)(b) was “fumbling around” with his cellphone. PO Canale stated that the reason he took § 87(2)(b) cellphone was to get § 87(2)(b) “undivided attention.” Later in the interview, PO Canale stated that he took the cellphone because he needed to see § 87(2)(b) hands.

§ 87(2)(b) first cellphone video of the incident (BRs 01, 03) documents PO Canale’s first approach to the vehicle. § 87(2)(b) is holding his cellphone in his lap, the camera facing him. For the first ten seconds, § 87(2)(b) is silently holding his phone, appearing to wait for the officers to approach his vehicle. He does not appear to make any sudden movements or “fumble” around with his hands. This is supported by the steadiness of the camera footage. At the 00:12 second mark, PO Canale is seen approaching the vehicle, reaching into the vehicle through the driver’s window, and grabbing § 87(2)(b) cellphone. PO Canale does not identify himself or say anything before doing so. The video ends with PO Canale holding the phone outside the vehicle.

This video was presented to PO Canale after he provided his statement. After viewing the video, PO Canale said it “refreshed his memory” of the incident but he did not wish to add or revise any details provided in his original statement.

In his original statement, PO Canale said that after he obtained § 87(2)(b) license and registration, he went back to his vehicle to check that § 87(2)(b) license plates were



legitimate. After doing so, PO Canale stated that he returned to § 87(2)(b) vehicle and returned the information without any issues (BR 07).

In his memo book, PO Canale had the following notes regarding the incident: “Pulled car over for handwritten license plate that was covered, driver very uncooperative obstructing officers ability to do his job. After car stop, numerous subjects exited their car yelling while aggressively approaching RMP screaming obscenities in the middle of the street causing a hazardous condition while recording officers on mobile devices as officers resumed patrol.” (BR 10).

During his official interview, the undersigned inquired about PO Canale’s memo book entry (which PO Canale had read into the record at the beginning of the interview). PO Canale stated the entry refreshed his memory of what occurred, but he did not interact with § 87(2)(b) or the other civilians at that point. When asked to go into further detail of the memo book entry, specifically regarding “numerous subjects exited their car yelling while aggressively approaching RMP,” PO Canale said, “you would have to ask them” (BR 07).

In § 87(2)(b) second cellphone video (BRs 02, 03) PO Canale is seen returning to § 87(2)(b) vehicle and returning his license and summons at the 1:36 minute mark. PO Canale says, “Alright, everything checks out” and walks away. § 87(2)(b) immediately asks, “What’s your badge number?” PO Canale walks away without answering. § 87(2)(b) gets out of his vehicle and follows PO Canale. He says, “What’s your badge number?” five more times. PO Canale gets into the driver’s seat and PO Carrasquillo gets into the passenger seat of their vehicle. Neither officer responds to § 87(2)(b). The video ends with § 87(2)(b) filming the license plate of the vehicle and PO Canale’s window. No other civilian is seen on the video. No profanity is heard on video.

This video was also presented to PO Canale after he provided his statement. After viewing the video, PO Canale did not revise any of the details he provided in his original statement but added that he could not hear § 87(2)(b) asking for his shield number because of the train passing above them (BR 07).

The NYPD Patrol Guide procedure 203-08, defines examples of a false official statement to be lying under oath during “an interview pursuant to Patrol Guide 211-14, ‘Investigations by Civilian Complaint Review Board;’ and lying in an official Department document or report” (BR 18).

PO Canale’s memo book entry and his statement to the CCRB contradict the video evidence and each other. PO Canale’s two different versions of events, both in his memo book entry and his statement to the CCRB, equally contradict the video evidence with which PO Canale was confronted. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]

- § 87(2)(b) [REDACTED]
- This is the first complaint in which § 87(2)(b) [REDACTED] has been a party (BR 21).
- This is the first complaint in which § 87(2)(b) [REDACTED] has been a party (BR 21).
- PO Canale has been a member of service for five years and has been a subject in four CCRB complaints and sixteen allegations, none of which have been substantiated. § 87(2)(g) [REDACTED]
- PO Carrasquillo has been a member of service for three years and this is the first CCRB complaint in which he is listed as a subject.
- PO Moynihan has been a member of service for eight years and has been a subject of 12 cases and 30 allegations, four of which were substantiated. § 87(2)(g) [REDACTED]
- 201806669 involved a threat to damage/seize property, a property damage, and a discourtesy (word) allegation, all of which were substantiated. The Board recommended and the NYPD enforced Command Discipline – B.
- 201903141 involved a discourtesy allegation which was substantiated. The Board recommended and the NYPD enforced instructions.
- § 87(2)(g) [REDACTED]

#### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- On April 8, 2021, a FOIL request for any Notice of Claim regarding this incident was filed with the Office of the Comptroller and will be added to the case file upon receipt (BR 25).

Squad No.: 10

Investigator: <u>Carter Garfield</u>	<u>Inv. Garfield</u>	<u>6/01/21</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>6/3/2021</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date